

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LETHA C. MAYO, et al.,	:	NO. 1:05-CV-00539
	:	
Plaintiffs,	:	
	:	OPINION AND ORDER
v.	:	
	:	
MICHAEL S. CRAFT,	:	
	:	
Defendant.	:	

This matter is before the Court on the Motion to Intervene as Party Plaintiff by Kentucky Farm Bureau Mutual Insurance Company and to Add Nationwide Mutual Insurance Company as a Party Defendant and for the Filing of An Intervening Complaint (doc. 2). No opposition to the motion has been filed.

This diversity case involves the December 22, 2003 automobile accident between Plaintiff Kentucky resident Letha Mayo and Defendant Michael S. Craft, in Lawrence County, Ohio (doc. 2). Movant Kentucky Farm Bureau Mutual Insurance Company ("Kentucky Insurance") serves as insurer for Plaintiff, and indicates it has paid out \$11,000.00 in no-fault payments to Plaintiff (Id.). Kentucky Insurance indicates that under Kentucky insurance law, K.R.S. 304.39-070(3), an insurance company paying out no fault benefits has the right to recover its payments from the insurer of the negligent party (Id.). Movant seeks to intervene pursuant to Fed. R. Civ. P. 24(a) so as to join this action as party plaintiff and add Michael S. Craft's insurance company, Nationwide Mutual

Insurance Company, as party defendant (Id.).

Having reviewed this matter, and noting no opposition to Kentucky Insurance Company's motion, the Court finds such motion well taken. Under the Federal Rules of Civil Procedure, an outsider to a lawsuit may intervene as of right when the outsider "claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may . . . impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties." Fed. R. Civ. P. 24(a). Clearly in this case, Kentucky Insurance claims funds to which it will be entitled should Defendant Craft be found negligent.

Accordingly, the Court GRANTS Kentucky Farm Bureau Mutual Insurance Company's Motion (doc. 2), and ORDERS Movant to file its Intervening Complaint, identical to that attached to its Motion, on the CM/ECF system within thirty days from the date of this Order, or manually with the clerk should Movant not yet be registered on the system.

SO ORDERED.

Dated: January 24, 2006

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge